

STATE of Arkansas *v.* Rickey Dale NEWMAN

CR 03-1257

205 S.W.3d 795

Supreme Court of Arkansas  
Opinion delivered March 24, 2005

APPEAL & ERROR — NO RECORD UPON WHICH TO RULE — Where the federal public defender filed a writ of *habeas corpus* on appellee's behalf; the trial court found appellee to be competent to make decisions regarding his case; the appellee, in open court, fired the federal public defender; and the trial court ruled from the bench, dismissing any pending matters, and finding that the federal public defender did not represent appellee for any state proceedings, the appellate court was unable to rule on appellee's motion to dissolve the stay of execution, because there was nothing before the appellate court to indicate that the trial court entered a written order denying the *habeas* petition filed on appellee's behalf; the trial court was instructed to enter a written order consistent with its ruling from the bench within thirty days

Motion to Dissolve Stay of Execution; motion held in abeyance.

*Mike Beebe*, Att'y Gen., by: *Clayton K. Hodges*, Ass't Att'y Gen., for appellant.

*Bruce Eddy*, Federal Public Defender, for appellee

PER CURIAM. Appellant Rickey Dale Newman moves this court to dissolve its temporary stay of his execution. The State has filed a response, stating that Newman's motion should be granted as all matters pending in the circuit court have been resolved. Bruce Eddy, a federal public defender, has also filed a response to Newman's motion, arguing that it should be denied as it is premature.

On February 3, 2005, the circuit court held an inquiry hearing after the federal public defenders filed a petition for writ of *habeas corpus* on Newman's behalf. At the conclusion of the hearing, the circuit court found Newman to be competent to make decisions regarding his case. Newman then, in open court, fired the federal public defenders attempting to represent him in circuit court. Thereafter, the circuit court, ruling from the bench,

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dismissed any pending matters, finding that the federal public defenders did not represent Newman for any state proceedings.

[1] At this time, we are unable to rule on Newman's motion to dissolve the stay of execution, because there is nothing before us to indicate that the trial court entered a written order denying the *habeas* petition filed on Newman's behalf. We therefore instruct the trial court to enter a written order consistent with its ruling from the bench at the February 3, 2005, hearing within thirty days from this order. Once that order has been entered, we will consider the merits of Newman's motion to dissolve the temporary stay of execution.

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